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BERKELEY CA 94704

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**JAN 11 2010**

In re application of :  
Min-Chih John Hsuan :  
Application No. 10/634,404 : NOTICE  
Filed: August 5, 2003 :  
Attorney Docket No. UMC99-001D2 :

This is a notice regarding your communication filed November 4, 2009, which is being treated as a request for acceptance of a fee deficiency submission under 37 CFR 1.28.

The request is **DISMISSED**.

Petitioner asserts that the first maintenance fee (10/13/2009); filing fee (08/05/2003) and amendment (03/17/2005) were incorrectly paid at the small entity rate. However, the petition does not comply with the requirements under 37 CFR 1.28(c)(2)(ii), which states:

(ii) *Itemization of the deficiency payment.* An itemization of the total deficiency payment is required. The itemization must include the following information:

A) Each particular type of fee that was erroneously paid as a small entity, (e.g., basic statutory filing fee; two-month extension of time fee) along with the current fee amount for a non-small entity;

(B) The small entity fee actually paid, and when. This will permit the Office to differentiate, for example, between two one-month extension of time fees erroneously paid as a small entity but on different dates;

(C) The deficiency owed amount (for each fee erroneously paid); and

(D) The total deficiency payment owed, which is the sum or total of the individual deficiency owed amounts set forth in paragraph (c)(2)(ii)(C) of this section.

A review of the Office finance records for the above application does **not** show that \$384.00 was charged on March 17, 2005, for an amendment as stated in the instant petition.

Applicant is given **ONE MONTH** to submit a complete listing of the fees erroneously paid as a small entity and the total fee deficiency to avoid the return of the present fee deficiency paper. This time period is not extendable under 37 CFR 1.136(a). Note also 37 CFR 1.28(c)(3).

All future fees paid in this application must be paid at the large entity rate.

Further correspondence with respect to this matter should be delivered through one of the following mediums:

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Any questions concerning this matter may be directed to the undersigned at (571) 272-3208.

/KOC/  
Karen Creasy  
Petitions Examiner  
Office of Petitions